

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
ILLINOIS, EASTERN DIVISION**

TARNELL WILLIAMS, Individually, and on Behalf of All Others Similarly Situated,)	
)	
Plaintiffs,)	Case No. 08 C 1388
)	
v.)	Judge Grady
)	
KDW WESTERN, LLC, WINBUSH MANAGEMENT INC., and DARRELL WINBUSH)	Magistrate Judge Ashman
)	
Defendants.)	

PARTIES' JOINT INITIAL STATUS REPORT

1. Nature of claims and defenses: Plaintiffs claim that Defendants willfully misclassified its general managers and other similarly titled employees as exempt and denied overtime pay for all hours worked over 40 per week. Specifically, Plaintiffs claim that Defendant failed the FLSA salary basis test by paying them less than requisite weekly compensation. Moreover, Defendants failed to record the hours worked by the Plaintiffs in violation of the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.*
2. Defendants deny that Plaintiff worked as a General Manager, and deny that any General Manager was misclassified. Defendants claim that Plaintiff is not similarly situated to the class he proposes to represent, and that the number of General Managers who worked for Defendants is less than five individuals. Defendants claim that General Managers were paid more than the minimum to satisfy the salary basis test, and that they are properly classified as exempt under the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.*
3. Relief sought by Plaintiff: Plaintiff seeks unpaid overtime damages, lost wages and benefits, liquidated damages, attorney's fees and expenses.
4. Names of parties not served: None at this time.
5. Principal legal issues: (1) Whether Plaintiff has standing to represent a class under the Fair Labor Standards Act, 29 U.S.C. §216(b); (2) Whether the Plaintiffs were misclassified as exempt from federal wage and hour laws and are therefore entitled to overtime compensation, and if so, whether such misclassification was willful.

6. Principal factual issues: Factual issues include Plaintiffs' job duties, rate of pay, amount of hours worked and whether Defendants kept accurate records of Plaintiffs' time worked and whether Plaintiff's claims of time worked are accurate.

7. List of pending motions and brief summary of bases for motions: There are no pending motions.

8. Description of discovery requested and exchanged: Discovery has not yet been requested or exchanged.

9. Type of discovery needed: Plaintiffs anticipate that they will need discovery related to compensation, job duties, job descriptions, hours worked, Defendants' decision to deprive overtime pay, job performance and wage deductions. Plaintiffs intend to issue written discovery and anticipates the need for approximately 5-10 depositions.

Defendants anticipate that they will need discovery regarding Plaintiff's claimed hours worked, payroll information including all pay checks, pay stubs, and any other record of his hours or how much he was paid. Defendants intend to issue written discovery and anticipate taking the Plaintiff's deposition.

10. Agreed dates for:

- a. Rule 26(a)(1) disclosures: 6-25-08.
- b. Fact discovery completion: 12-1-08.
- c. Expert discovery completion (including dates for the delivery of expert reports): 2-1-09.
- d. Filing of dispositive motions: 4-1-09.
- e. Filing of a final pre-trial order: 6-1-09

11. Estimation of when the case will be ready for trial: 8-01-09.

12. Probable length of trial: 2-3 weeks.

13. Whether a request has been made for a jury trial: There has been a request for a jury trial.

14. Whether there have been settlement discussions and if so the outcome of those discussions: Defendants have requested that the named Plaintiff make a settlement demand.

15. Whether the parties consent to proceed before a Magistrate Judge: The Parties consent to proceed before a Magistrate Judge.

Respectfully,

Date: June 19, 2008

/s/ Ryan F. Stephan
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